

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RASHID JAHM,

Plaintiff, pro se,
v
Case No. 05cv11638-JLT

DENNIS D. LIEBER, et al,

Defendants

**JOINT MOTION OF THE DEFENDANTS CATHERINE GARCIA-LINDSTROM, IN HER
OFFICIAL AND INDIVIDUAL CAPACITY, CITY OF WALKER POLICE
DEPARTMENT, MIDWEST CLAIMS SERVICES, INC., AND CRAIG NOLAND TO
STAY DISCOVERY PENDING HEARING AND DECISION ON MOTIONS TO DISMISS**

Now come the defendants, Catherine Garcia-Lindstrom, in her official and individual capacity, the City of Walker Police Department, Midwest Claims Services and Craig Noland and move this Honorable Court to stay their discovery obligations pursuant to the Court's discovery order until such time as the Court has heard and decided their motions to dismiss. As grounds wherefore, the defendants state as follows:

1. On August 2, 2005, Rashid Jahm, a resident of Lawrence, Massachusetts, filed a civil rights complaint accompanied by an Application to Proceed Without Prepayment of Fees. The plaintiff's complaint stemmed from a motor vehicle accident that occurred in Michigan and which involved defendants who were residents of Michigan. His essential complaint is that he was never fairly compensated for his injuries and that he was deprived of some sort of constitutional rights. On October 26, 2005, this Court denied the plaintiff's Application to Proceed Without Prepayment of

Fees without prejudice and ordered that the plaintiff, within thirty-five days, demonstrate why the action should not be dismissed for lack of subject matter jurisdiction. The plaintiff never filed any pleadings which would contradict the Court's conclusion that this matter should be dismissed.

2. Instead, on November 22, 2005, the plaintiff filed what appears to be an amended complaint, asserting federal civil rights claims pursuant to 42 U.S.C. §1983 and §1988 asserting that all the defendants, individually or in concert with others, violated the plaintiff's federal, constitutional and statutory rights relating to his claim for personal injury stemming from a motor vehicle accident which occurred on October 31, 1999 in Michigan. At the time, the plaintiff was a resident of Michigan and he was involved in an accident with a car operated by a police officer from the City of Walker, Michigan. The Amended Complaint does not address the fatal flaws regarding the Court's lack of subject matter jurisdiction.

3. The plaintiff had filed a civil action in Kent County Michigan Circuit Court, Docket No. 00-08794-NI. (See Exhibit 1, Affidavit of Craig Noland.) The long and the short of it is that the plaintiff lost his civil case in which he claimed that the defendants, the City of Walker and one of its police officers, were negligent and caused the motor vehicle accident. After having his claim rejected by a jury, the plaintiff sought appellate relief with the Michigan Court of Appeals and the Michigan Supreme Court, both of which denied his request for relief.

4. This case appears to be nothing more than an attempt by a dissatisfied litigant to have this Federal Court hear his complaints regarding the conduct of a civil

trial in the State of Michigan. Catherine Garcia-Lindstrom, the City of Walker Police Department, Midwest Claims Services, Inc. and Craig R. Noland have insufficient contacts with the Commonwealth of Massachusetts to confer jurisdiction in this Court over the claims of the plaintiff.

5. Therefore, these defendants have all filed motions to dismiss for lack of personal jurisdiction and improper venue.

6. While the plaintiff has opposed these motions, nothing in the plaintiff's oppositions even remotely suggests that this Court has jurisdiction to hear these claims.

7. Because the plaintiff's allegations are so opaque, potential discovery pursuant to the Court's discovery order of February 16, 2006 could be exceedingly broad, time consuming and expensive.

8. The defendants herein are not seeking to escape discovery obligations but are instead seeking to delay the same until such time as this Court has had an opportunity to rule on their motions to dismiss, which the defendants believe are meritorious and likely to succeed.

WHEREFORE, the defendants, Catherine Garcia-Lindstrom, in her official and individual capacity, City of Walker Police Department, Midwest Claims Services, Inc. and Craig R. Noland respectfully request that this Honorable Court stay their discovery obligations until such time as the Court has heard and ruled on their motions to

dismiss.

CATHERINE GARCIA-LINDSTROM, CITY OF
WALKER POLICE DEPARTMENT and
MIDWEST CLAIMS SERVICE, INC.
By Their Attorneys,

By /s/ Patrick Dolan
Patrick Dolan, BBO 564250
Peabody & Arnold LLP
30 Rowes Wharf
Boston, MA 02110
617-951-4724

and

By /s/ Thomas R. Meagher
Thomas R. Meagher
Foster, Swift, Collins & Smith, PC
313 S. Washington Square
Lansing, MI 48933
517-371-8161

CRAIG R. NOLAND,
By His Attorney

Dated: March 7, 2006

By /s/ Stephen J. Duggan
Stephen J. Duggan, BBO 137610
Lynch & Lynch
45 Bristol Drive
South Easton, MA 02375
508-230-2500

CERTIFICATE OF SERVICE

I, Patrick J. Dolan, hereby certify that on this 7th day of March 2006, I served the within Joint Motion of the Defendants, Catherine Garcia-Lindstrom, In Her Official and Individual Capacity, City of Walker Police Department, Midwest Claims Services, Inc., and Craig Noland, to Stay Discovery Pending Hearing and Decision on Motions to Dismiss by causing a copy thereof to be sent electronically to the registered participants in this case, as identified on the Notice of Electronic Filing (NEF) and paper copies mailed via first class mail, postage prepaid, to non-registered participants, if any, in this case as identified on the Notice of Electronic Filing (NEF).

/s/ Patrick J. Dolan
Patrick J. Dolan, Esq.

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